IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA ASHEVILLE DIVISION

CIVIL NO. 1:07CV336

TIMOTHY KIRK FOXX,)
Plaintiff,)
Vs.) ORDER
THE TOWN OF FLETCHER, a municipality organized under the laws of North Carolina, <i>et al.</i> ,)))
Defendants.)

THIS MATTER is before the Court *sua sponte* to continue the trial from the November 2008 term in the Asheville Division.

The Defendants' motion for summary judgment is under advisement and the Court will not complete its review of this motion in time for the parties to adequately prepare for trial for the November 3, 2008, trial term. Therefore, in the interest of fairness, the trial will be continued from the November 2008 term.

IT IS, THEREFORE, ORDERED that this matter is hereby

CONTINUED to the Court's January 2009 term in the Asheville Division.

Signed: October 14, 2008

Lacy H. Thornburg United States District Judge